

Message Text

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DRAFTED BY DOD/ISA:LTC. BARRETT/MR. FLINT:BB

APPROVED BY EA/J:WILLIAM C. SHERMAN

L/EA:PNORTON

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TO AMEMBASSY BONN PRIORITY

CINCEUR PRIORITY

INFO AMEMBASSY TOKYO PRIORITY

CINCUSAREUR PRIORITY

CINC PAC PRIORITY

COMUSJAPAN PRIORITY

USMISSION NATO PRIORITY

C O N F I D E N T I A L STATE 192890

E.O. 11652: GDS

TAGS: MARR, MPOL, NATO, GW, JA

SUBJECT: GOJ FACT-FINDING VISIT

JOINT STATE DEFENSE MESSAGE

REF: CINCUSAREUR 261200Z JUL 76

1. AS ANNOUNCED IN REFERENCE, MR. SATO STOPPED IN WASHINGTON 28-29 JULY ENROUTE TO TOKYO. DISCUSSIONS WERE HELD IN DOD WITH REPRESENTATIVES FROM M&RA, ISA, I&L, AND COMPTROLLER, AND CONSISTED LARGELY OF SATO'S REPORTING ON THE SESSIONS HE ATTENDED IN GERMANY. IN ADDITION, SATO REQUESTED ADDITIONAL INFORMATION AND CLARIFICATION IN TWO
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AREAS:(A) DOD BUDGET TRENDS AND EXPENDITURES AND (B) FRG

SUPPLEMENT TO NATO SOFA. SATO RECEIVED DETAILED FIGURES CONCERNING DOD EXPENDITURES. HOWEVER, SOFA QUESTIONS COULD NOT BE ANSWERED FROM RESOURCES HERE. ACCORDINGLY, REQUEST ADDEES DEVELOP ANSWERS TO THE FOLLOWING QUESTIONS AND FORWARD TO DEPARTMENT BY SEPTEMBER 1.

2. GOJ QUESTIONS:

1. GOJ UNDERSTANDING IS THAT FRG DOMESTIC LAW IS APPLICABLE TO NATO SENDING STATEFORCES WITH TWO EXCEPTIONS (A) WHERE NATO SOFA AND/OR FRG SUPPLEMENT THERETO EXPLICITLY ADDRESSES AN EXCEPTION, OR (B) WHERE FRG LAW MAKES A SPECIFIC EXEMPTION. REQUEST CONFIRMATION THAT GOJ UNDER-

STANDING IS CORRECT.

2. CONCERNING FRG ENVIRONMENTAL AND PUBLIC SAFETY LAWS AND STANDARDS, ARE WE LEGALLY OBLIGATED TO APPLY THESE LAWS AND STANDARDS TO U.S. FACILITIES IN FRG? (A) IN PRACTICE, DO WE ACTUALLY DO SO? (B) INsofar AS PRACTICABLE, LIST AREAS WHERE WE APPLY FRG STANDARDS. (C) LIST AREAS WHERE WE DO NOT. (D) IN INSTANCE WHERE U.S. AND FRG STANDARDS DIFFER, WHAT MECHANISM IS USED TO JUDGE WHICH STANDARDS ARE STRICTER. (E) WHAT MECHANISM IS USED TO JUDGE WHICH STANDARDS WILL BE APPLICABLE TO U.S. FACILITIES?

3. GOJ REPRESENTATIVES WERE INFORMED THAT A RECENT LETTER CONCERNING PUBLIC SAFETY STANDARDS FROM THE FRG FINANCE MINISTRY TO OTHER AGENCIES ALLEGEDLY STATED THAT WHEN COMPARING U.S. AND FRG STANDARDS, A GENERAL COMPARISON WOULD BE MADE RATHER THAN A POINT-BY-POINT COMPARISON. (A) WHO MAKES THIS "GENERAL" COMPARISON? (B) INsofar AS PRACTICABLE, DEFINE WHAT "GENERAL COMPARISON" MEANS.

4. IF THERE ARE DIFFERENCES IN U.S. AND FRG STANDARDS, AND CORRECTIVE ACTIONS ARE REQUIRED TO MEET FRG OR OTHERWISE AGREED STANDARDS, WHO PAYS FOR CORRECTIVE ACTIONS?

5. CONCERNING INSPECTIONS OF U.S. FACILITIES (FOR PUBLIC SAFETY OR ENVIRONMENTAL PURPOSES), ARE WE LEGALLY OBLIGATED TO ALLOW FRG AUTHORITIES TO MAKE UNILATERAL CONFIDENTIAL

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INSPECTIONS OF U.S. FACILITIES? (A) ARE WE LEGALLY OBLIGATED TO ALLOW OR CONDUCT JOINT INSPECTIONS OF U.S. FACILITIES? (B) BY PRACTICE, DO WE ACTUALLY DO SO? (C) IN- SO FAR AS PRACTICABLE, LIST AREAS WHERE INSPECTIONS (JOINT OR UNILATERAL) ARE ALLOWED.(D) LIST AREAS WHERE JOINT OR UNILATERAL INSPECTIONS ARE NOT ALLOWED.

6. CONCERNING PROTOCOL OF SIGNATURE, ARTICLE 53, PARAGRAPH

6, IN PRACTICE, IS ACCESS AUTHORIZED TO U.S. FACILITIES?

(A) WHO DETERMINES WHEN MILITARY SECURITY PRECLUDES ACCESS?

(B) ON WHAT BASIS?

7. CONCERNING RIFLE RANGES, AMMO DEPOTS, AND FUEL STORAGE,

DO JOINT U.S.-FRG COMMISSIONS OR GROUPS EXIST? (A) WHAT

IS THEIR CHARTER? (B) ARE THERE ADMINISTRATIVE AGREEMENTS

CONCERNING COMMISSION PROCEDURES? (C) WHAT IS THE

STATUS OF CURRENT EFFORTS TO DRAFT ADMINISTRATIVE AGREE-

MENTS CONCERNING RIFLE RANGES, AMMO DEPOTS, AND FUEL

STORAGE? HABIB

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